

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPANSKI ENTERPRISES, INC.,

Plaintiff,

V.

TELEWIZJA POLSKA, S.A.,

Defendant.

No. 10-4933 (ALC)(GWG)

**DECLARATION OF DAVID S. WENGER
IN SUPPORT OF DEFENDANT TELEWIZJA POLSKA'S OPPOSITION TO
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, David S. Wenger, an attorney duly admitted to practice before this Court, respectfully submit this declaration on behalf of Defendant Telewizja Polska (“TVP”) in support of its opposition to the motion for partial summary judgment filed by Plaintiff Spanski Enterprises Inc. (“SEI”). This declaration identifies relevant documents.

1. Attached as Exhibit 1 is a certified translation of the Parties' December 14, 1994 Agreement.
2. Attached as Exhibit 2 is the Parties' August 11, 2009 Settlement Agreement.
3. Attached as Exhibit 3 is SEI's Amended Complaint, dated October 1, 2010.
4. Attached as Exhibit 4 is TVP's Answer and Counterclaims, dated January 26, 2011.
5. Attached as Exhibit 5 is an excerpt from the deposition of Boguslaw Spanski, on November 9, 2011, pgs. 304:9-305:24.

6. Attached as Exhibit 6 is a letter from SEI to TVP enclosing corrected revenue reporting for 3Q 2009 through 4Q 2011, *see* pg. 4.

7. Attached as Exhibit 7 is a Complaint filed by Intercom Ventures against SEI's subsidiary EuroVu, S.A. (S.D.N.Y. Case No. 12-3707), dated May 9, 2012.

8. Attached as Exhibit 8 is an excerpt from the deposition of Boguslaw Spanski on November 8 and 9, 2011, pgs. 57:15-18 and 315:8-19.

9. Attached as Exhibit 9 is an excerpt from the deposition of Boguslaw Spanski on November 9, 2011, pgs. 286:22-288:14.

10. Attached as Exhibit 10 is the Expert Report of Gary Arlen, dated April 16, 2012, without appendixes.

11. Attached as Exhibit 11 is the Expert Report of Professor Marek Weirzbowski, dated April 16, 2012 (appendixes 2-5 omitted).

12. Attached as Exhibit 12 is the Expert Report of Ivan Reyes, dated April 16, 2012.

13. Attached as Exhibit 13 is the Expert Report of Timothy Hart, dated April 16, 2012.

14. Attached as Exhibit 14 is an excerpt from the deposition of Boguslaw Spanski on November 9, 2011, pgs. 304:24-305:12.

15. Attached as Exhibit 15 is an excerpt from the deposition of Stephen Shulman on June 7, 2012, pgs. 269:8-271:8.

16. Attached as Exhibit 16 is TVP's Objections and Amended Responses to Interrogatories, dated May 22, 2012.

17. Attached as Exhibit 17 is an excerpt from the Expert Report of David Yurkewich, dated May 30, 2008.

18. Attached as Exhibit 18 is an excerpt from the Expert Report of Richard Lubic, dated May 30, 2008.

19. Attached as Exhibit 19 is an excerpt from the deposition of Maria Nadolna on November 9, 2011, pgs. 50:20 - 51:18.

20. Attached as Exhibit 20 is an excerpt from the deposition of Maria Nadolna on November 9, 2011, pg. 55:11-14.

21. Attached as Exhibit 21 is an excerpt from the deposition of Gary Arlen on June 5, 2012, pg. 179:9-19.

Dated: New York, New York
September 25, 2012

/s/David S. Wenger
David S. Wenger